

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHER DISTRICT OF TEXAS  
GALVESTON DIVISION

DEREK LEE

VS.

CREDIT MANAGEMENT, LP

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CIVIL ACTION NO. G-10-538

**ORDER ADOPTING  
REPORT AND RECOMMENDATION**

Before the Court is the December 27, 2011, Report and Recommendation from Magistrate Judge Froeschner which recommends that Plaintiff's Motion for Partial Summary Judgment be denied and Defendant Credit Management's Motion for Summary Judgment be granted in part and denied in part. (Dkt. No. 58). Both Plaintiff and Defendant filed timely objections to the Report and Recommendation. (Dkt. Nos. 64, 62).

As required by 28 U.S.C. § 636(b)(1)(C), this Court has given this matter *de novo* review and, after careful consideration of the Motions and the Objections of the parties to the Report and Recommendation, finds that the objections are without merit and that Judge Froeschner's findings and recommendations are well-grounded in law and fact.

Accordingly, it is hereby, **ORDERED AND ADJUDGED** that:

- 1) The Report and Recommendation of Magistrate Judge Froeschner is **ACCEPTED** and **ADOPTED**;
- 2) Plaintiff Derek Lee's Motion for Partial Summary Judgment (Dkt. No. 27) is **DENIED**; and
- 3) Defendant Credit Management's Motion for Summary Judgment (Dkt. No. 20) and Supplement (Dkt. No. 41), as deemed filed by the Court's Order (Dkt. No. 43), are

**GRANTED** as to the following: (a) Lee's FDCPA claims under § 1692e(10) and § 1692d; and (b) Lee's DTPA claims; but **DENIED** as to the following claims: (a) Lee's FDCPA claims under § 1692a(2)(A) and § 1692(g)(a); (b) Lee's TDCPA claim; and (c) Lee's TCPA claim.

**SIGNED** at Houston, Texas, this <sup>13<sup>th</sup></sup> day of January, 2012.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt  
United States District Judge